

Havre Public Schools  
Havre High School

Current Age Information for HHS Students

	Grade 9	Grade 10	Grade 11	Grade 12
Average Age	14.8	15.7	16.8	17.6
Lowest Age	14	15	16	17
Highest Age	17	19	19	19
Most Frequent Age	15	16	17	18
Middle Age	15	16	17	18
14 years old	61			
15 years old	103	57		
16 years old	17	60	58	
17 years old	2	10	86	68
18 years old		2	23	92
19 years old		1	1	6
Total	183	130	168	166
14 years old	33.33%			
15 years old	56.28%	43.85%		
16 years old	9.29%	46.15%	34.52%	
17 years old	1.09%	7.69%	51.19%	40.96%
18 years old		1.54%	13.69%	55.42%
19 years old		0.77%	0.60%	3.61%
Percent >= 16	10.38%	56.15%	100.00%	100.00%

Montana Dropout Rates Averaged from 2003-2007

Grade	9th Grade	10th Grade	11th Grade	12th Grade
Approx. #	11,000	11,000	11,000	11,000
MT Dropout Rate	2.82%	3.76%	4.04%	3.94%
# of Students DO	310.2	413.6	444.4	433.4

Havre High School Using Percentages Above

Grade	9th Grade	10th Grade	11th Grade	12th Grade
Approx. #	160	160	160	160
MT Dropout Rate	2.82%	3.76%	4.04%	3.94%
# of Students DO	4.5	6.0	6.5	6.3

## Western States Compulsory Age Laws At A Glance

State	Entrance	Exit
Arizona	6	16
California	6	18
Colorado	6	17
Idaho	5	21
Kansas	7	18
Montana	7	16 and 8 <sup>th</sup> grade
Nebraska	6	17
Nevada	7	18
New Mexico	5	HS diploma or equivalent
North Dakota	7	16
Oklahoma	5	18
Oregon	7	18
South Dakota	6	17
Texas	6	18
Utah	6	18
Washington	8	18
Wyoming	7	16 or 10 <sup>th</sup> grade

Good afternoon Chairwoman Grinde and members of the Committee. I am Dennis Parman, District Superintendent of Havre Public Schools in Havre, Montana.

I appreciate the opportunity to speak to you today about this important piece of legislation and thank you for your service to the children of the State of Montana by serving on this committee. In particular, I wish to express my special thanks to Representative Malek for agreeing to bring HB433 to you for your consideration.

I have reviewed the statutes of our sister western states in regards to this issue and will submit a copy of excerpts of those statutes with my written testimony. For your convenience, I have prepared an "at a glance" review of those statutes [provide Western States Compulsory Age Laws At A Glance]. As you can see, 60% of the 17 states listed have statutes that have compulsory age requirements 5 or 6 years of age. The foundation for these laws is based on what we know is best for children in today's society as we prepare them for their future. The future we were prepared for when we were school aged children has arrived, we are living it as I speak. But that is not the same future we need to be considering within the context of HB433. We need to take a forward looking leadership role as we consider the future of all of the children of our home state. We need to take the appropriate steps to give every children the best opportunity we can to be ready for their future.

If we were to fill this room with Elementary Principals and Kindergarten and First Grade Teachers and ask them what they would need to do for a child that entered school for the first time at the age of seven, I would imagine their immediate reaction would be to be utterly speechless. My 19 years of experience as a public school administrator has shown me that in most cases such a child would be about three academic years behind their peer group. That means that pre-school would be the best academic placement for them, instead of 1<sup>st</sup> grade. But at the age of seven, such a placement would not be a reasonable one, leaving a school in a quandary as to how to provide meaningful services to assist the child in catching them up to their age peer group. In short, they start behind and will struggle to not remain behind for most, if not all of their schooling. A tremendous amount of work has been done in the area of early childhood development that allows

us to educate young children today in a manner our teachers simply were never trained to do when we started our school experience. If passed into law, HB433 would probably impact the lives of 300 to 400 children in Montana every year in a very profound manner. You would be giving them an unbelievable chance to have a future that we want for every child.

As we move this discussion to the other end of the age spectrum, we need to stop before we get to the high school. We need to stop at the middle school. I have taught middle school for 9 years and have been a school administrator working with middle school principals and teachers for another 16 years. During those years I heard from the lips of far too many middle school students, "When I turn 16 I am out of here." As you know the age of 16 was put into law in a time of social and economic circumstances the haven't existed in this state or country for decades. Yet, this element of our current law has become common knowledge and in cases like the one I just portrayed, a goal for far too many children at a time when they are not ready to make a such decision. My "at a glance" table shows that just over 80% of our sister western states have laws that set this standard at least at 17 years of age. Again, there is sound reason for the fact that many states have such laws. The educators, educational leaders and lawmakers in those states have recognized the importance of setting standards of age that will help keep more high school aged students in school longer.

I have prepared a table for your review to illustrate what the impact could be. [provide Current Age Information for HHS Students, Montana Dropout rates averaged from 2003-2007, Havre High School Using Percentages Above]. I direct your attention to the middle of the top table labeled Current Age Information for HHS Students. This portion of the table illustrates the distribution of the number of students at each age enrolled at HHS in each grade. I have shaded the cells in the grades where the students are 16 or older. The bottom portion of that same table, shows the percentages of these numbers by grade level. Under the current law 10% of the freshman and over half of the sophomores are 16 or older. All of the juniors and seniors are 16 or older. If HB433 were to become law, about 1% of the freshman would be 17, less than 10% of the sophomores, and only 55% of the juniors. To me, these are dramatic differences.

The table labeled Montana Dropout Rates Averaged from 2003-2007, displays the approximate number of students per grade level based on about 145,000 total students divided by 13 grades, grades K-12. The dropout rates in the table are the average dropout rates for each grade level over the time period from 2003-2007. If we apply those percentages to the approximations of 11,000 students per grade, we see about how many students dropout each year in each grade under the current law. The bottom table uses the same methodology for Havre High School. Imagine what the state and Havre High School numbers would be if only 1% of the freshman, 10% of the sophomores, and only 55% of the juniors could dropout of school because they were 17 or older. Sometimes I struggle to accept the fact that we discuss allowing children to dropout of school at all. There are states that have laws in place that actually are founded in the notion that dropping out at all isn't acceptable.

Every day I get up and go to work as a District Superintendent I spend about 5% of my time looking back at what we have done to see if there are any lessons to be learned, 40% of my time looking at what we are doing and how we are doing it to make sure that we are doing our best, and 55% of my time looking into the future making sure we are ready to do what we need to do for every child that walks through our doors. HB433 would help us help more children across all of Montana and would bring our laws up to date with what their needs are for their future. To me, it just makes sense.

# IDAHO

## TITLE 33

### EDUCATION

#### CHAPTER 2

##### ATTENDANCE AT SCHOOLS

33-201. School age. The services of the public schools of this state are extended to any acceptable person of school age. "School age" is defined as including all persons resident of the state, **between the ages of five (5) and twenty-one (21) years**. For the purposes of this section, the age of five (5) years shall be attained when the fifth anniversary of birth occurs on or before the first day of September of the school year in which the child is to enroll in kindergarten. For a child enrolling in the first grade, the age of six (6) years must be reached on or before the first day of September of the school year in which the child is to enroll. Any child of the age of five (5) years who has completed a private or public out-of-state kindergarten for the required four hundred fifty (450) hours but has not reached the "school age" requirement in Idaho shall be allowed to enter the first grade.

For resident children with disabilities who qualify for special education and related services under the federal individuals with disabilities education act (IDEA) and subsequent amendments thereto, and applicable state and federal regulations, "school age" shall begin at the attainment of age three (3) and shall continue through the semester of school in which the student attains the age of twenty-one (21) years.

## WYOMING

21-4-102. When attendance required; exemptions.

(a) Every parent, guardian or other person having control or charge of any child who is a resident of this state and whose **seventh birthday falls on or before September 15** of any year and who has not yet attained his **sixteenth birthday or completed the tenth grade** shall be required to send such child to, and such child shall be required to attend, a public or private school each year, during the entire time that the public schools shall be in session in the district in which the pupil resides; provided, that the board of trustees of each school district may exempt any child from the operation of this article when:

(i) The board believes that compulsory attendance in school would be detrimental to the mental or physical health of such child or the other children in the school; provided, the board may designate at the expense of the district a medical doctor of its choice to guide it and support it in its decision;

(ii) The board feels that compulsory school attendance might work undue hardship.? The board may conduct a hearing on issues pursuant to this paragraph by executive session; or

(iii) The child has been legally excluded from the regular schools pursuant to the provisions of W.S. 21-4-306. (b)? A home-based educational program shall meet the requirements of a basic academic educational program pursuant to W.S. 21-4-101(a)(vi).? It shall be the responsibility of every person administering a home-based educational program to submit a curriculum to the local board of trustees each year showing that the program complies with the requirements of this subsection.? Failure to submit a curriculum showing compliance is prima facie evidence that the home-based educational program does not meet the requirements of this article.

# NORTH DAKOTA

## CHAPTER 15.1-20

### SCHOOL ATTENDANCE

#### 15.1-20-01. Compulsory attendance.

1. Any person having responsibility for a child between the ages of **seven and sixteen** years shall ensure that the child is in attendance at a public school for the duration of each school year.
2. If a person enrolls a child of age six in a public school, the person shall ensure that the child is in attendance at the public school for the duration of each school year. The person may withdraw a child of age six from the public school. However, once the child is withdrawn, the person may not reenroll the child until the following school year. This subsection does not apply if the reason for the withdrawal is the child's relocation to another school district.
3. This section does not apply if a child is exempted under the provisions of section 15.1-20-02.



# WASHINGTON

## RCW 28A.225.010

Attendance mandatory — Age — Exceptions.

(1) All parents in this state of any child **eight years of age and under eighteen years of age** shall cause such child to attend the public school of the district in which the child resides and such child shall have the responsibility to and therefore shall attend for the full time when such school may be in session unless:

(a) The child is attending an approved private school for the same time or is enrolled in an extension program as provided in RCW 28A.195.010(4);

(b) The child is receiving home-based instruction as provided in subsection (4) of this section;

(c) The child is attending an education center as provided in chapter 28A.205 RCW;

(d) The school district superintendent of the district in which the child resides shall have excused such child from attendance because the child is physically or mentally unable to attend school, is attending a residential school operated by the department of social and health services, is incarcerated in an adult correctional facility, or has been temporarily excused upon the request of his or her parents for purposes agreed upon by the school authorities and the parent: PROVIDED, That such excused absences shall not be permitted if deemed to cause a serious adverse effect upon the student's educational progress: PROVIDED FURTHER, That students excused for such temporary absences may be claimed as full time equivalent students to the extent they would otherwise have been so claimed for the purposes of RCW 28A.150.250 and 28A.150.260 and shall not affect school district compliance with the provisions of RCW 28A.150.220; or

(e) The child is sixteen years of age or older and:

(i) The child is regularly and lawfully employed and either the parent agrees that the child should not be required to attend school or the child is emancipated in accordance with chapter 13.64 RCW;

(ii) The child has already met graduation requirements in accordance with state board of education rules and regulations; or

(iii) The child has received a certificate of educational competence under rules and regulations established by the state board of education under RCW 28A.305.190.

## OREGON

339.010 School attendance required; age limits. Except as provided in ORS 339.030, all children between the ages of 7 **and 18 years who have not completed the 12th** grade are required to attend regularly a public full-time school of the school district in which the child resides. [Amended by 1965 c.100 §274]

## SOUTH DAKOTA

13-27-1. (Text of section effective until July 1, 2009) Responsibility of person controlling child--Ages of compulsory attendance--Entire school term--Waiver. Every person having control of a child who is **six years old by the first day of September and who has not exceeded the age of sixteen**, shall cause the child to regularly and annually attend some public or nonpublic school for the entire term during which the public school in the district in which the person resides, or the school to which the child is assigned to attend, is in session, until the child reaches the age of sixteen years, unless excused as provided in this chapter.

Any child under age six enrolled in any elementary school or kindergarten program is subject to the compulsory attendance statutes of this state. A waiver of the compulsory attendance requirement for children under the age of seven years of age shall be granted by the school district upon the request of the parents.

(Text of section effective from July 1, 2009 until July 1, 2010) Responsibility of person controlling child for school attendance--Kindergarten--Transfer from another state. Every person having control of a child, who is six years old by the first day of September and who has not exceeded the age of eighteen, shall cause the child to regularly and annually attend some public or nonpublic school for the entire term during which the public school in the district in which the person resides, or the school to which the child is assigned to attend, is in session, until the child reaches the age of eighteen years, unless the child has graduated or is excused as provided in this chapter.

Any child under age six enrolled in any elementary school or kindergarten program is subject to the compulsory attendance statutes of this state. A waiver of the compulsory attendance requirement for children under the age of seven years of age shall be granted by the school district upon the request of the parents.

**(Text of section effective July 1, 2010)** Responsibility of person controlling child for school attendance--Kindergarten--Transfer from another state. Every person having control of a child, who is **not younger than five or older than six years old by the first day of September and who has not exceeded the age of eighteen**, shall cause the child to regularly attend some public or nonpublic school for the entire term during which the public school in the district in which the person resides, or the school to which the child is assigned to attend, is in session, until the child reaches the age of eighteen years, **unless the child has graduated or is excused as provided in this chapter.**

**All children shall attend kindergarten prior to age seven.** Any child who transfers from another state may proceed in a continuous educational program without interruption if the child has not previously attended kindergarten.

## NEBRASKA

Section 79-201 Compulsory education; attendance required; exceptions.

(1) For purposes of this section:

(a) Prior to July 1, 2005, a child is of mandatory attendance age if the child (i) has reached seven years of age, (ii) did not reach sixteen years of age prior to July 16, 2004, and (iii) has not reached eighteen years of age; and

**(b) On and after July 1, 2005, a child is of mandatory attendance age if the child (i) will reach six years of age prior to January 1 of the then-current school year, (ii) did not reach sixteen years of age prior to July 16, 2004, and (iii) has not reached eighteen years of age.**

(2) Except as provided in subsection (3) of this section, every person residing in a school district within the State of Nebraska who has legal or actual charge or control of any child who is of mandatory attendance age or is enrolled in a public school shall cause such child to enroll in, if such child is not enrolled, and attend regularly a public, private, denominational, or parochial day school which meets the requirements for legal operation prescribed in Chapter 79, or a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements, each day that such school is open and in session, except when excused by school authorities or when illness or severe weather conditions make attendance impossible or impracticable.

(3) Subsection (2) of this section does not apply in the case of any child who:

(a) Has obtained a high school diploma by meeting the graduation requirements established in section 79-729;

(b) Has completed the program of instruction offered by a school which elects pursuant to section 79-1601 not to meet accreditation or approval requirements;

(c) Has reached the age of eighteen years;

(d) Has reached the age of sixteen years and such child's parent or guardian has signed a notarized release discontinuing the enrollment of the child on a form provided by the school;

(e)(i) Will reach six years of age prior to January 1 of the then-current school year, but will not reach seven years of age prior to January 1 of such school year, (ii) such child's parent or guardian has signed an affidavit stating that the child is participating in an education program that the parent or guardian believes will prepare the child to enter grade one for the following school year, and (iii) such affidavit has been filed by the parent or guardian with the school district in which the child resides;

(f)(i) Will reach six years of age prior to January 1 of the then-current school year but has not reached seven years of age, (ii) such child's parent or guardian has signed an affidavit stating that the parent or guardian intends for the child to participate in a school which has elected or will elect pursuant to section 79-1601 not to meet accreditation or approval requirements and the parent or guardian intends to provide the Commissioner of Education with a statement pursuant to subsection (3) of section 79-1601 on or before the child's seventh birthday, and (iii) such affidavit has been filed by the parent or guardian with the school district in which the child resides; or

(g) Will not reach six years of age prior to January 1 of the then-current school year and such child was enrolled in a public school and has discontinued the enrollment according to the policy of the school board adopted pursuant to subsection (4) of this section.

(4) The board shall adopt policies allowing discontinuation of the enrollment of students who will not reach six years of age prior to January 1 of the then-current school year and specifying the procedures therefor.

## COLORADO

### 22-33-104. Compulsory school attendance.

(1) (a) Except as otherwise provided in subsection (2) of this section, every child who has attained the **age of six years on or before August 1** of each year and is under the age of **seventeen years**, except as provided by this section, shall attend public school for at least the following number of hours during each school year:

(I) One thousand fifty-six hours if a secondary school pupil;

(II) Nine hundred sixty-eight hours if an elementary school pupil in a grade other than kindergarten;

(III) Nine hundred hours if a full-day kindergarten pupil; or

(IV) Four hundred fifty hours if a half-day kindergarten pupil.

(b) Notwithstanding the provisions of paragraph (a) of this subsection (1), a school or schools shall not be in session for fewer than one hundred sixty days without the specific prior approval of the commissioner of education.

(c) A student who participates in an on-line program pursuant to the provisions of article 30.7 of this title shall be deemed to attend school in accordance with the requirements of this subsection (1).

(d) Nothing in this section shall be interpreted to require a child who begins attending preschool or kindergarten at five or six years of age to advance to first grade in the following school year. A parent of a child who began attending preschool or kindergarten at five or six years of age may notify the child's school of the parent's wish that the child not advance to first grade in the following school year, and a school that receives such notice shall not advance the child to first grade in the following school year.

(1.5) (Deleted by amendment, L. 2006, p. 1211, § 2, effective July 1, 2007.)

(2) The provisions of subsection (1) of this section shall not apply to a child:

(a) Who is temporarily ill or injured or whose absence is approved by the administrator of the school of attendance;

(b) Who is enrolled for a minimum of one hundred seventy-two days in an independent or parochial school which provides a basic academic education. "Basic academic education" for the purpose of this article means the sequential program of instruction provided by an independent or parochial school. Such program shall include, but not be limited to, communication skills of reading, writing, and speaking, mathematics, history, civics, literature, and science.

(c) Who is absent for an extended period due to physical, mental, or emotional disability;

(d) Who has been suspended, expelled, or denied admission in accordance with the provisions of this article; except that, when a pupil is expelled for the remainder of the school year, the parent, guardian, or legal custodian is responsible for seeing that either the provisions of subsection (1) of this section are complied with during the period of expulsion from the school district or that the pupil meets the conditions for exemption specified in paragraph (b) or (i) of this subsection (2);

(e) To whom a current age and school certificate or work permit has been issued pursuant to the

## UTAH

53A-11-101. Definitions. For purposes of this part:

- (1) (a) "Absence" or "absent" means, consistent with Subsection (1)(b), failure of a school-age minor assigned to a class or class period to attend the entire class or class period. (b) A school-age minor may not be considered absent under this part more than one time during one day.
- (2) "Habitual truant" means a school-age minor who: (a) is at least 12 years old; (b) is subject to the requirements of Section 53A-11-101.5; and (c) (i) is truant at least ten times during one school year; or (ii) fails to cooperate with efforts on the part of school authorities to resolve the minor's attendance problem as required under Section 53A-11-103.
- (3) "Minor" means a person under the age of 18 years.
- (4) "Parent" includes: (a) a custodial parent of the minor; (b) a legally appointed guardian of a minor; or (c) any other person purporting to exercise any authority over the minor which could be exercised by a person described in Subsection (4)(a) or (b).
- (5) **"School-age minor" means a minor who: (a) is at least six years old, but younger than 18 years old; and (b) is not emancipated.**
- (6) "School year" means the period of time designated by a local school board or local charter board as the school year for the school where the school-age minor: (a) is enrolled; or (b) should be enrolled, if the school-age minor is not enrolled in school.
- (7) "Truant" means absent without a valid excuse.
- (8) "Truant minor" means a school-age minor who: (a) is subject to the requirements of Section 53A-11-101.5 or 53A-11-101.7; and (b) is truant.
- (9) "Valid excuse" means: (a) an illness; (b) a family death; (c) an approved school activity; (d) an absence permitted by a school-age minor's: (i) individualized education program, developed pursuant to the Individuals with Disabilities Education Improvement Act of 2004, as amended; or (ii) accommodation plan, developed pursuant to Section 504 of the Rehabilitation Act of 1973, as amended; or (e) any other excuse established as valid by a local school board, local charter board, or school district.

## NEVADA

NRS 392.040 **Attendance required for child between 7 and 18 years of age**; minimum age required for kindergarten and first grade; waiver from attendance available for child 6 years of age; developmental screening test required to determine placement of certain children.

1. Except as otherwise provided by law, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of any child between the ages of 7 and 18 years shall send the child to a public school during all the time the public school is in session in the school district in which the child resides unless the child has graduated from high school.
2. A child who is 5 years of age on or before September 30 of a school year may be admitted to kindergarten at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. If a child is not 5 years of age on or before September 30 of a school year, the child must not be admitted to kindergarten.
3. Except as otherwise provided in subsection 4, a child who is 6 years of age on or before September 30 of a school year must:
  - (a) If he has not completed kindergarten, be admitted to kindergarten at the beginning of that school year; or
  - (b) If he has completed kindergarten, be admitted to the first grade at the beginning of that school year, and his enrollment must be counted for purposes of apportionment. If a child is not 6 years of age on or before September 30 of a school year, the child must not be admitted to the first grade until the beginning of the school year following his sixth birthday.
4. The parents, custodial parent, guardian or other person within the State of Nevada having control or charge of a child who is 6 years of age on or before September 30 of a school year may elect for the child not to attend kindergarten or the first grade during that year. The parents, custodial parent, guardian or other person who makes such an election shall file with the board of trustees of the appropriate school district a waiver in a form prescribed by the board.
5. Whenever a child who is 6 years of age is enrolled in a public school, each parent, custodial parent, guardian or other person in the State of Nevada having control or charge of the child shall send him to the public school during all the time the school is in session. If the board of trustees of a school district has adopted a policy prescribing a minimum number of days of attendance for pupils enrolled in kindergarten or first grade pursuant to NRS 392.122, the school district shall provide to each parent and legal guardian of a pupil who elects to enroll his child in kindergarten or first grade a written document containing a copy of that policy and a copy of the policy of the school district concerning the withdrawal of pupils from kindergarten or first grade. Before the child's first day of attendance at a school, the parent or legal guardian shall sign a statement on a form provided by the school district acknowledging that he has read and understands the policy concerning attendance and the policy concerning withdrawal of pupils from kindergarten or first grade. The parent or legal guardian shall comply with the applicable requirements for attendance. This requirement for attendance does not apply to any child under the age of 7 years who has not yet been enrolled or has been formally withdrawn from enrollment in public school.
6. A child who is 7 years of age on or before September 30 of a school year must:
  - (a) If he has completed kindergarten and the first grade, be admitted to the second grade.
  - (b) If he has completed kindergarten, be admitted to the first grade.
  - (c) If the parents, custodial parent, guardian or other person in the State of Nevada having control or charge of the child waived the child's attendance from kindergarten pursuant to subsection 4, undergo an assessment by the district pursuant to subsection 7 to determine whether the child is prepared developmentally to be admitted to the first grade. If the district determines that the child is prepared developmentally, he must be admitted to the first grade. If the district determines that the child is not so prepared, he must be admitted to kindergarten.
7. The enrollment of any child pursuant to this subsection must be counted for apportionment purposes.
7. Each school district shall prepare and administer before the beginning of each school year a developmental screening test to a child:

- (a) Who is 7 years of age on or before September 30 of the next school year; and
- (b) Whose parents waived his attendance from kindergarten pursuant to subsection 4, È to determine whether the child is prepared developmentally to be admitted to the first grade. The results of the test must be made available to the parents, custodial parent, guardian or other person within the State of Nevada having control or charge of the child.

8. A child who becomes a resident of this State after completing kindergarten or beginning first grade in another state in accordance with the laws of that state may be admitted to the grade he was attending or would be attending had he remained a resident of the other state regardless of his age, unless the board of trustees of the school district determines that the requirements of this section are being deliberately circumvented.

9. As used in this section, "kindergarten" includes:

- (a) A kindergarten established by the board of trustees of a school district pursuant to NRS 388.060;
- (b) A kindergarten established by the governing body of a charter school; and
- (c) An authorized program of instruction for kindergarten offered in a child's home pursuant to NRS 388.060.



## ARIZONA

### 15-803. School attendance; exemptions; definitions

A. It is unlawful for any child **between six and sixteen years of age** to fail to attend school during the hours school is in session, unless either:

1. The child is excused pursuant to section 15-802, subsection D or section 15-901, subsection A, paragraph 6, subdivision (c).
2. The child is accompanied by a parent or a person authorized by a parent.
3. The child is provided with instruction in a home school.

B. A child who is habitually truant or who has excessive absences may be adjudicated an incorrigible child as defined in section 8-201. Absences may be considered excessive when the number of absent days exceeds ten per cent of the number of required attendance days prescribed in section 15-802, subsection B, paragraph 1.

C. As used in this section:

1. "Habitually truant" means a truant child who is truant for at least five school days within a school year.
2. "Truant" means an unexcused absence for at least one class period during the day.
3. "Truant child" means a child who is between six and sixteen years of age and who is not in attendance at a public or private school during the hours that school is in session, unless excused as provided by this section.

## NEW MEXICO

P. "school-age person" means a person who is at least **five years of age prior to 12:01 a.m. on September 1 of the school year and who has not received a high school diploma or its equivalent.**

A maximum age of twenty-one shall be used for a person who is classified as special education membership as defined in Section

22-8-21 NMSA 1978 or as a resident of a state institution;

## CALIFORNIA

California compulsory education law requires everyone between the ages of **6 and 18 years of age** to attend school, except 16 and 17 year-olds who have graduated from high school or passed the California High School Proficiency Exam (CHSPE) and obtained parental permission to leave. Some students, however, violate compulsory education laws and have a pattern of unexcused absences. Although truancy and excessive absenteeism are not new problems, they cause costly, long-term problems for the students, school, and the community.

## TEXAS

Sec. 25.085. COMPULSORY SCHOOL ATTENDANCE. (a) A child who is required to attend school under this section shall attend school each school day for the entire period the program of instruction is provided.

(b) Unless specifically exempted by Section 25.086, a child who is at least six years of age, or who is younger than **six years of age and has previously been enrolled in first grade, and who has not yet reached the child's 18th birthday shall attend school.**

(c) On enrollment in prekindergarten or kindergarten, a child shall attend school.

(d) Unless specifically exempted by Section 25.086, a student enrolled in a school district must attend:

(1) an extended-year program for which the student is eligible that is provided by the district for students identified as likely not to be promoted to the next grade level or tutorial classes required by the district under Section 29.084;

(2) an accelerated reading instruction program to which the student is assigned under Section 28.006(g);

(3) an accelerated instruction program to which the student is assigned under Section 28.0211;

(4) a basic skills program to which the student is assigned under Section 29.086; or

(5) a summer program provided under Section 37.008(l) or Section 37.021.

(e) A person who voluntarily enrolls in school or voluntarily attends school after the person's 18th birthday shall attend school each school day for the entire period the program of instruction is offered. A school district may revoke for the remainder of the school year the enrollment of a person who has more than five absences in a semester that are not excused under Section 25.087. A person whose enrollment is revoked under this subsection may be considered an unauthorized person on school district grounds for purposes of Section 37.107.

(f) The board of trustees of a school district may adopt a policy requiring a person described by Subsection (e) who is under 21 years of age to attend school until the end of the school year. Section 25.094 applies to a person subject to a policy adopted under this subsection. Sections 25.093 and 25.095 do not apply to the parent of a person subject to a policy adopted under this subsection.

## **KANSAS**

**Statute 72-1111: Compulsory school attendance; exemptions.** (a) Subject to the other provisions of this section, every parent or person acting as parent in the state of Kansas, who has control over or charge of any child who has reached the age of seven years and is under the age of 18 years and has not attained a high school diploma or a general educational development (GED) credential, shall require such child to be regularly enrolled in and attend continuously each school year (1) a public school for the duration of the school term provided for in K.S.A. 72-1106, and amendments thereto, or (2) a private, denominational or parochial school taught by a competent instructor for a period of time which is substantially equivalent to the period of time public school is maintained in the school district in which the private, denominational or parochial school is located. If the child is 16 or 17 years of age, the parent or person acting as parent, by written consent, or the court, pursuant to a court order, may allow the child to be exempt from the compulsory attendance requirements of this section.

(b) If the child is 16 or 17 years of age, the child shall be exempt from the compulsory attendance requirements of this section if (1) the child is regularly enrolled in and attending a program recognized by the local board of education as an approved alternative educational program, or (2) the child and the parent or person acting as parent attend a final counseling session conducted by the school during which a disclaimer to encourage the child to remain in school or to pursue educational alternatives is presented to and signed by the child and the parent or person acting as parent. The disclaimer shall include information regarding the academic skills that the child has not yet achieved, the difference in future earning power between a high school graduate and a high school drop out, and a listing of educational alternatives that are available for the child, or (3) the child is regularly enrolled in a school as required by subsection (a) and is concurrently enrolled in a postsecondary educational institution, as defined by K.S.A. 74-3201b, and amendments thereto. The provisions of this clause (3) shall be applicable to children from and after July 1, 1997 and shall relate back to such date.

(c) Any child who is under the age of seven years, but who is enrolled in school, is subject to the compulsory attendance requirements of this section. Any such child may be withdrawn from enrollment in school at any time by a parent or person acting as parent of the child and thereupon the child shall be exempt from the compulsory attendance requirements of this section until the child reaches the age of seven years or is re-enrolled in school.

(d) Any child who is determined to be an exceptional child, except for an exceptional child who is determined to be a gifted child, under the provisions of the special education for exceptional children act is subject to the compulsory attendance requirements of such act and is exempt from the compulsory attendance requirements of this section.

(e) No child attending public school in this state shall be required to participate in any activity which is contrary to the religious teachings of the child if a written statement signed by one of the parents or a person acting as parent of the child is filed with the proper authorities of the school attended requesting that the child not be required to participate in such activities and stating the reason for the request.

(f) When a recognized church or religious denomination that objects to a regular public high school education provides, offers and teaches, either individually or in cooperation with another recognized church or religious denomination, a regularly supervised program of instruction, which is approved by the state board of education, for children of compulsory school attendance age who have successfully completed the eighth grade, participation in such a program of instruction by any such children whose parents or persons acting as parents are members of the sponsoring church or religious denomination shall be regarded as acceptable school attendance within the meaning of this act. Approval of such

programs shall be granted by the state board of education, for two-year periods, upon application from recognized churches and religious denominations, under the following conditions: (1) Each participating child shall be engaged, during each day on which attendance is legally required in the public schools in the school district in which the child resides, in at least five hours of learning activities appropriate to the adult occupation that the child is likely to assume in later years;

(2) acceptable learning activities, for the purposes of this subsection, shall include parent (or person acting as parent) supervised projects in agriculture and homemaking, work-study programs in cooperation with local business and industry, and correspondence courses from schools accredited by the national home study council, recognized by the United States office of education as the competent accrediting agency for private home study schools;

(3) at least 15 hours per week of classroom work under the supervision of an instructor shall be provided, at which time students shall be required to file written reports of the learning activities they have pursued since the time of the last class meeting, indicating the length of time spent on each one, and the instructor shall examine and evaluate such reports, approve plans for further learning activities, and provide necessary assignments and instruction;

(4) regular attendance reports shall be filed as required by law, and students shall be reported as absent for each school day on which they have not completed the prescribed minimum of five hours of learning activities;

(5) the instructor shall keep complete records concerning instruction provided, assignments made, and work pursued by the students, and these records shall be filed on the first day of each month with the state board of education and the board of education of the school district in which the child resides;

(6) the instructor shall be capable of performing competently the functions entrusted thereto;

(7) in applying for approval under this subsection a recognized church or religious denomination shall certify its objection to a regular public high school education and shall specify, in such detail as the state board of education may reasonably require, the program of instruction that it intends to provide and no such program shall be approved unless it fully complies with standards therefor which shall be specified by the state board of education;

(8) if the sponsors of an instructional program approved under this subsection fail to comply at any time with the provisions of this subsection, the state board of education shall rescind, after a written warning has been served and a period of three weeks allowed for compliance, approval of the programs, even though the two-year approval period has not elapsed, and thereupon children attending such program shall be admitted to a high school of the school district.

(g) As used in this section:

(1) "Parent" and "person acting as parent" have the meanings respectively ascribed thereto in K.S.A. 72-1046, and amendments thereto.

(2) "Regularly enrolled" means enrolled in five or more hours of instruction each school day. For the purposes of subsection (b)(3), hours of instruction received at a postsecondary educational institution shall be counted.

## Oklahoma

70-10-105. Neglect or refusal to compel child to attend school - Exceptions - Enforcement.

A. It shall be unlawful for a parent, guardian, or other person having custody of a child who is over the **age of five (5) years, and under the age of eighteen (18) years**, to neglect or refuse to cause or compel such child to attend and comply with the rules of some public, private or other school, unless other means of education are provided for the full term the schools of the district are in session or the child is excused as provided in this section. One-half (1/2) day of kindergarten shall be required of all children five (5) years of age or older unless the child is excused from kindergarten attendance as provided in this section. A child who is five (5) years of age shall be excused from kindergarten attendance until the next school year after the child is six (6) years of age if a parent, guardian, or other person having custody of the child notifies the superintendent of the district where the child is a resident by certified mail prior to enrollment in kindergarten, or at any time during the first school year that the child is required to attend kindergarten pursuant to this section, of election to withhold the child from kindergarten until the next school year after the child is six (6) years of age. A kindergarten program shall be directed toward developmentally appropriate objectives for such children. The program shall require that any teacher employed on and after January 1, 1993, to teach a kindergarten program within the public school system shall be certified in early childhood education. All teachers hired to teach a kindergarten program within the public school system prior to January 1, 1993, shall be required to obtain certification in early childhood education on or before the 1996-97 school year in order to continue to teach a kindergarten program.

B. It shall be unlawful for any child who is over the age of twelve (12) years and under the age of eighteen (18) years, and who has not finished four (4) years of high school work, to neglect or refuse to attend and comply with the rules of some public, private or other school, or receive an education by other means for the full term the schools of the district are in session.

Provided, that this section shall not apply:

1. If any such child is prevented from attending school by reason of mental or physical disability, to be determined by the board of education of the district upon a certificate of the school physician or public health physician, or, if no such physician is available, a duly licensed and practicing physician;

2. If any such child is excused from attendance at school, due to an emergency, by the principal teacher of the school in which such child is enrolled, at the request of the parent, guardian, custodian or other person having control of such child;

3. If any such child who has attained his or her sixteenth birthday is excused from attending school by written, joint agreement between:

- a. the school administrator of the school district where the child attends school, and
- b. the parent, guardian or custodian of the child. Provided, further, that no child shall be excused from attending school by such joint agreement between a school administrator and the parent, guardian or custodian of the child unless and until it has been determined that such action is for the best interest of the child and/or the community, and that said child shall thereafter be under the supervision of the parent, guardian or custodian until the child has reached the age of eighteen (18) years; or

4. If any such child is excused from attending school for the purpose of observing religious holy days if before the absence, the parent, guardian, or person having custody or control of the student submits a written request for the excused absence. The school district shall excuse a student pursuant to this subsection for the days on which the religious holy days are observed and for the days on which the student must travel to and from the site where the student will observe the holy days.

C. It shall be the duty of the attendance officer to enforce the provisions of this section. In the prosecution of a parent, guardian, or other person having custody of a child for violation of any provision of this section, it shall be an affirmative defense that the parent, guardian, or other person having custody of the child has made substantial and reasonable efforts to comply with the compulsory attendance requirements of this section but is unable to cause the child to attend school. If the court

determines the affirmative defense is valid, it shall dismiss the complaint against the parent, guardian, or other person having custody of the child and shall notify the school attendance officer who shall refer the child to the district attorney for the county in which the child resides for the filing of a Child in Need of Supervision petition against the child pursuant to the Oklahoma Juvenile Code.

D. Any parent, guardian, custodian, child or other person violating any of the provisions of this section, upon conviction, shall be guilty of a misdemeanor, and shall be punished as follows:

1. For the first offense, a fine of not less than Twenty-five Dollars (\$25.00) nor more than Fifty Dollars (\$50.00), or imprisonment for not more than five (5) days, or both such fine and imprisonment;

2. For the second offense, a fine of not less than Fifty Dollars (\$50.00) nor more than One Hundred Dollars (\$100.00), or imprisonment for not more than ten (10) days, or both such fine and imprisonment; and

3. For the third or subsequent offense, a fine of not less than One Hundred Dollars (\$100.00) nor more than Two Hundred Fifty Dollars (\$250.00), or imprisonment for not more than fifteen (15) days, or both such fine and imprisonment.

Each day the child remains out of school after the oral and documented or written warning has been given to the parent, guardian, custodian, child or other person or the child has been ordered to school by the juvenile court shall constitute a separate offense.

E. At the trial of any person charged with violating the provisions of this section, the attendance records of the child or ward may be presented in court by any authorized employee of the school district.

F. The court may order the parent, guardian, or other person having custody of the child to perform community service in lieu of the fine set forth in this section. The court may require that all or part of the community service be performed for a public school district.

G. The court may order as a condition of a deferred sentence or as a condition of sentence upon conviction of the parent, guardian, or other person having custody of the child any conditions as the court considers necessary to obtain compliance with school attendance requirements. The conditions may include, but are not limited to, the following:

1. Verifying attendance of the child with the school;

2. Attending meetings with school officials;

3. Taking the child to school;

4. Taking the child to the bus stop;

5. Attending school with the child;

6. Undergoing an evaluation for drug, alcohol, or other substance abuse and following the recommendations of the evaluator; and

7. Taking the child for drug, alcohol, or other substance abuse evaluation and following the recommendations of the evaluator, unless excused by the court.



Havre Public Schools  
Havre High School

Current Age Information for HHS Students

	Grade 9	Grade 10	Grade 11	Grade 12
Average Age	14.8	15.7	16.8	17.6
Lowest Age	14	15	16	17
Highest Age	17	19	19	19
Most Frequent Age	15	16	17	18
Middle Age	15	16	17	18
14 years old	61			
15 years old	103	57		
16 years old	17	60	58	
17 years old	2	10	86	68
18 years old		2	23	92
19 years old		1	1	6
Total	183	130	168	166
14 years old	33.33%			
15 years old	56.28%	43.85%		
16 years old	9.29%	46.15%	34.52%	
17 years old	1.09%	7.69%	51.19%	40.96%
18 years old		1.54%	13.69%	55.42%
19 years old		0.77%	0.60%	3.61%
Percent >= 16	10.38%	56.15%	100.00%	100.00%

Montana Dropout Rates Averaged from 2003-2007

Grade	9th Grade	10th Grade	11th Grade	12th Grade
Approx. #	11,000	11,000	11,000	11,000
MT Dropout Rate	2.82%	3.76%	4.04%	3.94%
# of Students DO	310.2	413.6	444.4	433.4

Havre High School Using Percentages Above

Grade	9th Grade	10th Grade	11th Grade	12th Grade
Approx. #	160	160	160	160
MT Dropout Rate	2.82%	3.76%	4.04%	3.94%
# of Students DO	4.5	6.0	6.5	6.3

## Western States Compulsory Age Laws At A Glance

State	Entrance	Exit
Arizona	6	16
California	6	18
Colorado	6	17
Idaho	5	21
Kansas	7	18
Montana	7	16 and 8 <sup>th</sup> grade
Nebraska	6	17
Nevada	7	18
New Mexico	5	HS diploma or equivalent
North Dakota	7	16
Oklahoma	5	18
Oregon	7	18
South Dakota	6	17
Texas	6	18
Utah	6	18
Washington	8	18
Wyoming	7	16 or 10 <sup>th</sup> grade